

HOUSE BILL 51
By Matheny

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 2, Part 4, relative to personal support services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-2-402, is amended by deleting item (3) in its entirety and by substituting instead the following:

(3) "Licensee" means an individual, a proprietorship, a partnership, an association, a governmental agency, or corporation, that provides services or operates a facility or a service and has obtained a license under this part;

SECTION 2. Tennessee Code Annotated, Section 33-2-403(a), is amended by deleting the subsection in its entirety and substituting instead the following:

The department has the authority to license services and facilities operated for the provision of mental health, developmental disability, and personal support services, and to license individuals providing such services. Notwithstanding any references in this part to the licensing of "facilities" or "services," only proprietorships, partnerships, associations, governmental agencies, corporations, or individuals providing service or support to only one (1) person with mental illness, serious emotional disturbance, or developmental disabilities may be listed on license applications or licenses as the licensed entity.

SECTION 3. Tennessee Code Annotated, Section 33-2-403(b), is amended by deleting subdivision (2) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 33-2-404, is amended by deleting the first sentence and substituting instead the following:

The department shall adopt rules for licensure of services and facilities, and individuals providing services regarding adequacy of services, qualifications of professional staff, and facility conditions.

SECTION 5. Tennessee Code Annotated, Section 33-2-406, is amended by deleting the second sentence of subsection (h) and substituting instead the following:

A license may be issued only for the individual, premises, or services named in the application and must be posted in a conspicuous place at the service or facility. An individual providing service or support to only one (1) person must have the license in such individual's possession when providing such care. The license may be renewed from year to year.

SECTION 6. Tennessee Code Annotated, Section 33-2-419, is amended by deleting the section in its entirety and substituting instead the following:

(a) Any individual providing services and any individual employed by a personal support services agency to provide personal support services must complete standardized training and continuing education under department rules.

(b) The department may create classifications for personal support services individuals and agencies specializing in a type of service or care and may require additional training and continuing education for such classifications.

SECTION 7. This act shall take effect July 1, 2005, the public welfare requiring it.